

REMARKS

Claims 1-7 are in this application.

Claims 1, 4, 5, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,940,923 (Ohishi).

Independent claim 1 recites in part the following:

"phase noise detection means for detecting phase noise based on the C/N ratio calculated with the amplitudes in the amplitude direction and the C/N ratio calculated with the amplitudes in the phase direction;" (Emphasis added.)

It is respectfully submitted that Ohishi as applied by the Examiner does not appear to disclose the above-identified features of claim 1 for at least the following reasons.

First, in explaining the above 103 rejection with regard to claim 1, the Examiner stated that Ohishi "does not explicitly disclose phase noise detection means." (Emphasis added.) See lines 1-2 of page 3 of the present Office Action. Accordingly, the Examiner appears to even acknowledge that Ohishi does not disclose the phase noise detection means of claim 1.

Second, and as best understood, the Examiner states that Ohishi teaches a phase noise correction means and appears to assert that such correction means is the same as the phase noise detection means of claim 1. In support thereof, the Examiner refers to element 24 of Fig. 5 and lines 44-65 of column 9 of Ohishi.

In response, it is respectfully submitted that the phase noise correction means described in the portions of Ohishi relied on by the Examiner does not appear to be the same as the

phase noise detection means of claim 1. That is, such portions of Ohishi do not appear to specifically disclose that its phase noise correction means: (i) detects phase noise and (ii) performs such detection "based on the C/N ratio calculated with the amplitudes in the amplitude direction and the C/N ratio calculated with the amplitudes in the phase direction." (Emphasis added.)

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Ohishi as applied by the Examiner.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that independent claim 5 is also distinguishable from Ohishi as applied by the Examiner.

Claims 4 and 7 are dependent from one of independent claims 1 and 5. Accordingly, it is also respectfully submitted that dependent claims 4 and 7 are distinguishable from Ohishi as applied by the Examiner for at least the reasons previously described.

Claims 2, 3, and 6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since independent claims 1 and 5 (from which claims 2, 3, and 6 respectively depend) are believed to be allowable for at least the reasons described above, claims 2, 3, and 6 have not been rewritten herein in independent form.

As it is believed that all of the rejections and objections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully

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requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional rejections and/or objections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 29, 2008

Respectfully submitted,

By 

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